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COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS.

SUPERIOR COURT DEPARTMENT
OF THE TRIAL COURT

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COMMONWEALTH OF MASSACHUSETTS,

v.

KAREN READ.

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* Docket No. 2282CR00117
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TESTIMONY OF JENNIFER MCCABE
BEFORE THE HONORABLE BEVERLY CANNONE
TUESDAY, APRIL 29, 2025

APPEARANCES:

For the Commonwealth:

BY: HANK BRENNAN, A.D.A.
ADAM LALLY, A.D.A.
LAURA MCLAUGHLIN, A.D.A.

For the defendant:

BY: DAVID YANNETTI, ESQ.
ALAN JACKSON, ESQ.
ELIZABETH LITTLE, ESQ.
ROBERT ALESSI, ESQ.

Dedham, Massachusetts

Also present:
Cindy Gilman

Christine D. Blankenship, CVR
Court Reporter/Transcriber

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None

1 (Court in session.)

2 (Defendant is present with counsel.)

3 (Jury in.)

4 (Sidebar commences at 2:14 p.m.):

5 THE COURT: All right. You can start again, please.

6 MR. BRENNAN: Jennife McCabe is our next witness.

7 THE COURT: Okay.

8 MR. BRENNAN: She's here. During the lunch break, I
9 received an email from the defense, and it outlines a --
10 perhaps an accusation that at some point, unknown Ms.
11 McCabe had been hostile or threatening to another witness
12 who is a witness listed on our witness list.

13 THE COURT: Who is that witness?

14 MR. JACKSON: Kolokithas.

15 MR. BRENNAN: Kolokithas from the Waterfall Bar. If I
16 may, I'll give a copy to the Court what was provided to me
17 during the lunch break.

18 THE COURT: When did the defense receive this
19 information?

20 MR. JACKSON: Today.

21 THE COURT: There's a date on it, so I'm not sure who
22 the author is.

23 MR. YANNETTI: It's Attorney Matt Rickman.

24 THE COURT: Who sent it?

1 MR. YANNETTI: Matthew Rickman. He's an attorney for
2 Karina Kolokithas.

3 THE COURT: Keep this.

4 All right. So this April 14, that's when this allegedly
5 happened, April 14, 2023?

6 MR. YANNETTI: Correct.

7 THE COURT: Prior to the last trial?

8 MR. YANNETTI: Correct.

9 THE COURT: Two years ago?

10 MR. YANNETTI: Correct.

11 THE COURT: All right. So why am I seeing this?

12 MR. YANNETTI: Because she -- we were not allowed to
13 talk to her prior to the last trial because she was still
14 represented at that time by Attorney Rickman, so we did not
15 have access to her.

16 THE COURT: To who?

17 MR. YANNETTI: To the witness, to Karina.

18 THE COURT: Okay.

19 MR. YANNETTI: We still have not talked to her outside
20 of court.

21 THE COURT: Okay. Why am I seeing this? What's the
22 purpose of giving this to me now before Jen McCabe
23 testifies?

24 MR. BRENNAN: I'm providing it to you because in light
25 of that, I tried to contact her attorney, who I think is

1 her attorney, and he's on trial, and so I wanted the Court
2 to be aware of this.

3 THE COURT: So are you raising a Fifth Amendment issue?

4 MR. BRENNAN: I am not, but I am trying to proceed in
5 an abundance of caution. I do not see a violating threat.
6 That's really not my determination. I'm the prosecutor,
7 and I think that I'll try to be as objective as I can, but
8 I do think it's important to bring it to the Court's
9 attention. I plan to proceed with Ms. McCabe, but I have
10 not shown that to her. I didn't want to give her any legal
11 advice, and that's why I'm bringing it to the Court's
12 attention.

13 THE COURT: All right. So this is an argument between
14 two women, maybe a threat two years ago. Does the defense
15 intend to doing anything with this?

16 MR. JACKSON: I intend to confront Ms. McCabe with it
17 as a potential -- it'll go directly to her bias in the case
18 and a potential threat. She knew Mrs. Kolokithas was a
19 witness in the case when she made the statement.

20 I appreciate Mr. Brennan's caution. It's up to him and
21 his colleagues whether it rises to the level of actual
22 witness intimidation. I think it certainly is intimidating
23 when she's making a statement, a hostile statement, to
24 someone she knows is either a witness or a potential
25 witness in this matter just on the --

1 MR. BRENNAN: My suggestion, Your Honor, is it's now
2 2:30. I think I'll be a couple of hours with Ms. McCabe.
3 If the Court allows me to go forward with Ms. McCabe as a
4 witness, I don't think the defense will cross-examine
5 today. If they do, this can wait until tomorrow. It'll
6 allow her to seek independent counsel, and if she decides
7 to invoke any privileges, we could always strike her
8 testimony.

9 I think that's unlikely to happen, but it's not my
10 decision. I hate to waste the day, so if I could --

11 THE COURT: Is there any objection to that?

12 MR. JACKSON: No. I think that makes sense.

13 THE COURT: All right. I would like Ms. McCabe to be
14 given a copy of this now so that she can talk to counsel
15 about it.

16 MR. BRENNAN: I well. She has not seen it. I did not
17 want to approach her but I will give her a copy.

18 MR. JACKSON: I'm not super comfortable with that.
19 This is pure impeachment. I think she should be advised
20 that there's a potential.

21 THE COURT: So your objection is noted. I'm going to
22 have this marked for identification. She's got to have
23 counsel advise her about this, so.

24 MR. JACKSON: You know what? You're exactly right.
25 She can't be advised if she doesn't see it.

1 THE COURT: Exactly.

2 MR. JACKSON: So I can't have it both ways. Yep,
3 you're right.

4 THE COURT: All right. So it's marked for
5 identification. Mr. Brennan, I'd ask that when you speak
6 with Ms. McCabe you give her a copy of it.

7 MR. BRENNAN: I will. And I won't speak about anything
8 else about the trial.

9 THE COURT: Right.

10 MR. BRENNAN: But I will assume there's a sequestration
11 order, but I will give that to her. I will alert her
12 attorney when we leave court, and I'll advise the Court in
13 the morning.

14 THE COURT: All right. Thank you.
15 end of sidebar.)

16 (Whereupon Exhibit D, was marked for identification.)

17 THE COURT: Do for identification.

18 MR. BRENNAN: Thank you very much. Your Honor, may I
19 call my next witness?

20 THE COURT: Please.

21 MR. BRENNAN: Commonwealth calls Jennifer McCabe.

22 JENNIFER MCCABE, sworn

23 THE COURT: Good afternoon.

1 All right, Mr. Brennan, whenever you're ready. Ms.
2 McCabe, I'll ask that you pull the microphone closer to
3 you. Thank you.

4 MR. BRENNAN: Thank you, Your Honor.

5 THE COURT: Go right ahead.

6 **DIRECT EXAMINATION**

7 **BY MR. BRENNAN:**

8 Q Good afternoon.

9 A Good afternoon.

10 Q Could you please introduce yourself to the jury?

11 A Hi. I'm Jennifer McCabe, M-C-C-A-B-E.

12 Q Ms. McCabe, how old are you?

13 A I'm 49 years old.

14 Q Are you married?

15 A Yes, I am married with four daughters.

16 Q Without detailing your children's names, could you tell
17 us a little bit about your family?

18 A Sure. I have four daughters that are 16, 17, 19, and
19 21. Two are in high school, and two are in college.

20 Q In raising your children, was your family active in
21 local sports?

22 A Yes. All four of my daughters played multiple sports
23 from when they were young to now are playing in college.
24 My husband and I both coached them. My husband coached

1 them from when they were young up through eighth grade in
2 soccer, and I coached them in basketball.

3 Q Without telling me your address, what town are you
4 from?

5 A I'm from Canton.

6 Q How long have you lived in Canton with your family for?

7 A I was born and raised in Canton, and now I'm raising my
8 family there.

9 Q So your family their whole life you've raised them in
10 Canton?

11 A One year, we lived in Stoughton with my daughter.

12 Q Who do you live with now?

13 A I live with my husband and my four daughters.

14 Q Can you briefly give me a little bit more background on
15 your children's school and your participation and the
16 interaction with your children and raising them?

17 A Yes. So I was a teacher, and then once I had children,
18 I stayed at home with them, and basically was just kind of
19 like your typical, I don't know, small-town mom. I was the
20 room parent. I coached them.

21 MR. JACKSON: Objection, Your Honor.

22 THE COURT: No, I'll allow it, but why don't we move
23 along.

24 MR. BRENNAN: Yes.

1 A When I coached, I drove the kids back-and-forth on my
2 team, would take them places, et cetera.

3 Q In both with your family and raising your children, did
4 at some point did you meet a gentleman by the name of John
5 O'Keefe?

6 A Yes.

7 Q She with us meeting John O'Keefe.

8 A Sure. When my third daughter was in kindergarten, she
9 became friends with John's niece, and during that
10 kindergarten school year, unfortunately, (c)'s mother
11 and father both passed away, and John moved in the house
12 and became Mr. Mom.

13 Q When John took over guardianship of the children, did
14 you assist in an active role in helping him?

15 A Yes. (c) and my daughter were very close, so she
16 would come over and play. My daughter would go over there.
17 (c) would come and have sleepovers. A lot of times it
18 would be on Friday nights. I would have (c) and then
19 another individual would have (c).

20 Q Had you known John O'Keefe well before he took over
21 guardianship of the children?

22 A No.

23 Q During the time when he was the guardian of the
24 children, did your relationship, not just with his niece
25 and nephew, with him grow any closer?

1 A Yes, we became very good friends.

2 Q How close of friends did you become over the years?

3 A Well, throughout the years, obviously, when they were
4 younger, you know, we talked more, you know, just about the
5 logistics of CCD pickup, drop-off, basketball, sports, but
6 then he would also call me, you know, you know, as the
7 girls got older all the girl drama, or, you know, the
8 hormones and things like that.

9 He would also come over, you know, and hang out and
10 have a beer and, you know, just talk about whatever new --
11 was new in his life or going on, or, you know, just the day
12 and day out struggles of his, you know, life, and raising
13 the kids now, and figuring it all out with -- you know,
14 work and family and all that.

15 Q Leading into January 28th of 2022, so the jury
16 understands, how close is your friendship with John O'Keefe
17 at that time?

18 A He was a very good friend of mine that I knew I could
19 call for anything.

20 Q I want you to take us forward to January 28, 2022. Do
21 you remember that day?

22 A Yes, I did.

23 Q Do you remember it well?

24 A Yes.

1 Q Take us to the early morning hours of January 28, 2022.
2 You learn that maybe weather or a storm is coming?

3 A Yes.

4 Q Tell us more a little bit about that.

5 A We also the report that there was going to be a big
6 storm, a nor'easter, so we all knew that basically all the
7 Saturday activities were going to be canceled.

8 Q Did that includes sports?

9 A Yes.

10 Q Was and is the sporting events of the children a big
11 part of your life?

12 A Yes, back then I had, you know, two in high school that
13 played three sports, and they played club sports as well,
14 and then the two middle school played club sports and town
15 sports. So most of our weekends were taken up by kind of
16 running from one sporting event to the next.

17 Q When you learned about the weather and the change in
18 schedule, did it change your plans for that day?

19 A No, not particularly. I had a -- my day was pretty set
20 out. I had my niece, and then I had sporting events. It
21 was kind of my plans for the next day that obviously got
22 changed.

23 Q Take us through the afternoon of the 28th, what's
24 happening?

1 A Well, I had had my niece for the weekend. She was
2 picked up. My oldest was on the hockey team, and she was
3 having a team dinner at the house, so I picked up pizza,
4 got desserts, set it up for them, and then I left with my
5 daughters and my husband Matt, and we met some of the
6 parents from the high school basketball team at a local pub
7 to grab a bite and a drink before the basketball game
8 because my other daughter played on the high school girls
9 basketball team.

10 Q What time was the basketball game set for that night?

11 A I believe it was 6:00 or 6:30.

12 Q Did you and your family go to the game?

13 A Yes, we did.

14 Q After the game, what happened?

15 A After the game, I drove my daughter home. My sister
16 Nicole sent me a text and said that she was going to be at
17 the Waterfall, and it was my nephew's birthday. He was
18 going to meet up and did I want to come by for a drink.

19 Q What is your nephew's name?

20 A Brian. Brian, Junior.

21 Q It was his birthday that night?

22 A Yes, it was.

23 Q When you received the call to meet with friends and
24 family at the Waterfall, do you remember what time that
25 plan was made?

1 A I don't. My sister sent me a text at some point letting
2 me know she was going to be there so I'm not -- I don't
3 know what time.

4 Q After the game and after some time, did you go to the
5 Waterfall to meet your friends and family?

6 A Yes, I did.

7 Q Describe very briefly, what's the Waterfall?

8 A It's just a local town bar.

9 Q Do you remember about what time you got to the
10 Waterfall?

11 A About 9 o'clock.

12 Q When you got there, was there anybody there that you
13 knew?

14 A Yes.

15 Q Now take us inside the Waterfall. When you get there,
16 who do you see?

17 A I walk in, and I see Julie and Chris Albert, my niece
18 Caitlin, my sister Nicole, and my niece's boyfriend
19 Tristan.

20 Q You said you saw Julie and Nicole Albert in the
21 Waterfall?

22 A Yes.

23 Q Were you related to either of them?

24 A Nicole is my sister.

25 Q So Brian Sr. would be your brother-in-law?

1 A Yes.

2 Q Also you mentioned there was a niece?

3 A Yes, Caitlin.

4 Q Is that Brian and Nicole's daughter?

5 A Yes.

6 Q You mentioned a name Tristan. What's his relationship
7 between -- to Brian Albert's niece?

8 A He's now her fiancé.

9 Q Was there anybody else I missed?

10 A That's all who was there. I'm not sure if Nick
11 Kolokithas was already in there when I got there, of he
12 arrived right after and then his wife joined us.

13 Q So when you're in the bar and you see your friends,
14 what do you do next?

15 A I immediately just, you know, join them and sit down.

16 Q Were you eating, drinking?

17 A I know I ordered a beer. They had appetizers on the
18 table. I'm not sure whether I had any or not.

19 Q Were you drinking alcohol that night?

20 A Yes.

21 Q As you're spending time with your family, did the night
22 grow?

23 A Yes.

24 Q Did you stay at the table where everybody was eating,
25 or did you move inside the bar?

1 A We were pretty much right around the table.

2 Q Did anybody new join you or join the group at some
3 point?

4 A Yes, a little while later Brian Albert and Brian
5 Higgins joined us at the Waterfall.

6 Q So when you first got there, was Brian Albert already
7 there? A No, he wasn't.

8 Q Is that your Brian brother-in-law Brian Albert?

9 A Yes.

10 Q And you said Mr. Higgins. Did you know Mr. Higgins?

11 A I had met him a few times when he was out with Brian.

12 Q You had met him a few times before that night?

13 A Yes.

14 Q Were you friendly with him?

15 A He was a friend of Brian's.

16 Q Was he your friend?

17 A No, he was Brian's friend.

18 Q You knew who he was?

19 A Yes.

20 Q So when Mr. Albert and Mr. Higgins joined the group
21 later, did they come directly to you or did they stay
22 somewhere else inside the bar?

23 A No, they came over to our table I believe.

24 Q How long were you in the Waterfall for that night?

25 A Approximately nine to a little -- around midnight-ish.

1 Q About three hours?

2 A Yes.

3 Q Do you have an estimate how many drinks you had,
4 alcoholic drinks, you might have had?

5 A I don't. I don't know. Maybe two, three.

6 Q Throughout the night, were you feeling any effects of
7 the alcohol?

8 A Not that I recall, no.

9 Q When the group was together, you mentioned a number of
10 people joined. Were you joined by other people later?

11 A Yes.

12 Q You were joined by later?

13 A John O'Keefe and Karen Read.

14 Q And you talked about your relationship with John
15 O'Keefe?

16 A Yes, earlier, yes.

17 Q Did you make plans with him or did he just show up?

18 A I believe he had started the conversation about the
19 night with Chris Albert.

20 Q Chris Albert is a different Albert than Brian Albert?

21 A Yes.

22 Q What is the relationship between them?

23 A Brian Albert and Chris Albert are brothers.

24 Q Was Chris Albert there when Mr. Higgins and Brian
25 Albert arrived?

1 A Yes. Actually, Chris -- did I miss him? Because Chris
2 was there with Julie. Did I -- I'm not sure if I said that
3 when I was naming everyone at the table. I apologize.

4 Q You may have.

5 A Okay.

6 Q So when you first got there, he was at the table --

7 A Yes.

8 Q -- with your sister?

9 A Yes, he was.

10 Q When moments before John O'Keefe arrived with the
11 defendant, what was the mood in the group?

12 A Cheerful, good mood. Everybody was just out having a
13 drink. We all knew the storm was coming tomorrow, and you
14 know, just a typical, average night.

15 Q Celebratory?

16 A Yeah.

17 Q You said you were going to see Brian Albert, Jr.?

18 A Yes.

19 Q It was his birthday. Was Brian Albert, Jr. at the
20 Waterfall when you got there?

21 A No, he was not.

22 Q Was Brian Albert, Jr. there any time when you were at
23 the Waterfall?

24 A No, he was not.

1 Q Without relating a conversation with some other person,
2 did you have an understanding of where Brian Albert, Jr.
3 was?

4 A He was at home.

5 Q Do you historically or typically see Brian Albert, Jr.,
6 your nephew, on his birthday?

7 A Yeah, typically, we always, you know, get together. We
8 try to and do a cake for whoever's birthday it is, and then
9 whatever, you know, aunts or cousins are around come over.

10 Q When John O'Keefe arrived at the Waterfall with the
11 defendant, do you have a general estimate or guess -- not
12 guess -- but a general estimate of what time they arrived?

13 A Approximately 11:00.

14 Q When they first arrived, did you see them?

15 A Yes.

16 Q Where did you see them coming from?

17 A I saw them walk in.

18 Q When they walked in, did you react in any way?

19 A Yes, I was happy to see them.

20 Q Why were you happy to see them?

21 A Because I loved John, and I liked Karen.

22 Q So you were happy to see John?

23 A Yes, very.

24 Q You were happy to see the defendant?

25 A Yes.

1 Q Do you remember your first interaction with either John
2 or the defendant that night inside the Waterfall?

3 A I believe John walked over to where I was, you know,
4 kind of to my end of the table, and maybe Karen had walked
5 to the other end of the table. But I would assume I
6 probably hugged both of them when I saw them.

7 Q I'm going to ask you not to assume. If you don't know,
8 that's okay.

9 A Okay.

10 Q You said that you had known the defendant as well?

11 A Yes.

12 Q Do you remember how long she had been dating John
13 O'Keefe up to that point?

14 A I know I met her in July of 2020?

15 Q Had you had a chance to spend time or interact with her
16 over that time before that night at the Waterfall?

17 A Yes, I had.

18 Q And share with us some of the moments or some of the
19 reasons that you would interact?

20 A The first time I met Karen, John had reached out. We
21 would do pool days with him and his niece and his nephew.
22 So he had told me he was dating a new girl, and he wanted
23 to bring her over. (C)

24 (C), so he thought
25 that that would be something we could, you know, we would

1 talk and bond over. I said, yeah, great, bring her over.
2 So her and John and (C) and (C) came over. We had a
3 pool day. I liked Ms. Read immediately. I thought we hit
4 it off. It was really great, you know, talking to someone
5 my age that also had (C), because a lot of -- I didn't know
6 a lot of people who have it. So it was really nice to have
7 somebody to relate to.

8 Then moving forward, we would see them, you know, if it
9 was my daughter's birthday party, when it was time for
10 pickup, you know, they would come in, have a couple of
11 drinks. Same thing for, like, a Halloween party, after
12 basketball games.

13 Q So you spent time both with John and Ms. Read?

14 A Yes.

15 Q Did you spend time with the defendant separately
16 without John around?

17 A No.

18 Q Did you become friendly with her?

19 A Yes.

20 Q And were you friendly that night?

21 A Yes.

22 Q After John and the defendant entered the bar and you
23 greet; did you interact or spend time with Ms. Read at the
24 Waterfall?

25 A Yes, I did.

1 Q And speaking of the defendant, do you recognize her
2 here in the courtroom?

3 A Yes, I do.

4 Q Could you kindly point to her and describe an article
5 of clothing she's wearing?

6 A She's sitting right over there with a black shirt or
7 blue.

8 Q Is she between Attorney Jackson and Attorney Yannetti?

9 A Yes, she is.

10 Q When you were at the Waterfall that night, do you
11 remember who you were speaking to or where you were
12 spending your time?

13 A As to earlier in the night or after?

14 Q I'm sorry. After Mr. O'Keefe and the defendant
15 arrived.

16 A Yes. Ms. Read came over and spoke to me because I had
17 seen her the Saturday before, and she had told me how she
18 had started a new medication and it was giving her some
19 awful side effects, and I said I'm shocked they put you on
20 that, et cetera.

21 Q Let me not ask you about conversations you had.

22 A Okay.

23 Q But about the moment that you were in.

24 Did you spend time with Ms. Read that night?

25 A Yes, I did.

1 Q Inevitably, did you drink more alcohol as the night
2 went on?

3 A I believe I had, like I said earlier, a couple of
4 drinks, two three, I'm not sure.

5 Q Did you ever have a shot of alcohol?

6 A I do not believe I had the shot, no.

7 Q Did you see the party, the group of friends and family
8 doing a shot?

9 A I was in the bathroom and walked out, and they were
10 doing or had just done a shot.

11 MR. BRENNAN: With the Court's permission, I'd like to
12 display parts of Exhibit 22 which has already been
13 introduced into evidence, which is video surveillance
14 footage from the Waterfall.

15 THE COURT: Okay.

16 MR. JACKSON: No objection.

17 MR. BRENNAN: I'd like to start at 10:54:20, please.

18 (Video played.)

19 MR. BRENNAN: If you could stop for one second.

20 Q Do you recognize what's in that video?

21 A Yes.

22 Q And what is that?

23 A That is the Waterfall.

24 Q Thank you.

25 MR. BRENNAN: Kindly proceed.

1 (Video played.)

2 MR. BRENNAN: If you could stop.

3 Q Do you see the two people entering from the left?

4 A I do.

5 Q Do you know who they are?

6 A I believe that is Ms. Read and John O'Keefe.

7 MR. BRENNAN: Ms. Gilman, is there any way to enlarge
8 the top of the video where the other people are close to
9 the table or bar?

10 MS. GILMAN: No.

11 THE COURT: Okay.

12 Q Looking at this video, can you tell or identify anybody
13 under that time stamp, and if you can't, that's okay, but
14 if you can, can you tell us what you see?

15 A I think the guy right there -- well, where she just was
16 is Brian Higgins.

17 Q Okay.

18 MR. BRENNAN: If you go move up a little bit, Ms.
19 Gilman.

20 A I believe that's my husband Matt.

21 Q On the right?

22 A On the right. And I think that's me on the left.

23 Q Okay.

24 MR. BRENNAN: And if you can go down the table to the
25 left, Ms. Gilman?

1 Q Do you recognize who that might be from the clothing?

2 A I'd have to take a guess --

3 Q Don't guess.

4 A Okay.

5 Q Just say if you don't. Anybody else at the table more
6 to the left that you recognize?

7 A Not from this picture.

8 MR. BRENNAN: Ms. Gilman, could you highlight where Ms.
9 McCabe thinks that she is in that video with that circle
10 you just had and play the video?

11 (Video played.)

12 MR. BRENNAN: If you could stop.

13 Q Is that you clapping, Ms. McCabe?

14 A Yes, it is.

15 Q Why are you clapping?

16 A Because I was happy to see them.

17 Q Both of them?

18 A Yes.

19 MR. BRENNAN: Can you continue, please.

20 (Video played.)

21 Q And who is that person walking right to left hugging
22 people?

23 A That is John O'Keefe.

24 MR. BRENNAN: Can you continue, please, Ms. Gilman?

25 (Video played.)

1 Q Are you interacting with anybody?

2 A I can't see where I am.

3 MR. BRENNAN: If you could stop the video, please.

4 Could you move ahead to 11:26:50, please?

5 THE COURT REPORTER: 11:26 what?

6 MR. BRENNAN: 11:26:15.

7 Q Is that your group still at the Waterfall?

8 A Yes, it is.

9 MR. BRENNAN: If you could stop there, Ms. Gilman. If
10 we could hone in or circle where you were previously where
11 we saw Ms. McCabe?

12 Q I know it's a bit blurry, if you can, and if you can't,
13 please let me know. Can you see whether you're in that
14 area?

15 A I believe I am, yes.

16 MR. BRENNAN: Could you put the circle down just a
17 little bit, Ms. Gilman? Now, if you could play from
18 11:26:50 to 11:27, please. We're a little bit ahead right
19 now.

20 (Video played.)

21 Q Who are you hugging there?

22 A I believe that's Ms. Read.

23 Q Thank you.

24 MR. BRENNAN: One more, Ms. Gilman. I'm going to ask
25 you to forward to 11:46.

1 Could you pause, Ms. Gilman? Could you circle that
2 same area where Ms. McCabe was last describing?

3 Q Can you make anything out in this video?

4 A Yes, it looks like they're all, you know, toasting or
5 doing a cheer before they do a shot.

6 Q Can you see whether or not the defendant is in that
7 part of the video?

8 A Yes, it looks like she is in front of the man in the
9 plaid coat.

10 Q Were you participating with the drinking at this
11 moment?

12 A I don't see myself in the video. I don't believe I
13 was.

14 Q But you were drinking separately that night, weren't
15 you?

16 A Yes, I was drinking beer.

17 MR. BRENNAN: If you could continue, please.

18 (Video played.)

19 MR. BRENNAN: Thank you.

20 Q shortly after the shot, was there conversation about
21 leaving the Waterfall as a group?

22 A Yes, there was.

23 Q Was there any discussion about where the group should
24 go?

1 A At first, Ms. Read was asking if we could go up the
2 street to D&E.

3 Q What D&E?

4 A D&E is a sub shop that's owned by Chris Albert.

5 Q Was it open that late at night?

6 A No, it wasn't.

7 Q Had you in the past gone to that pizza shop after hours
8 to eat?

9 A Yes, we had.

10 Q And tell us what the defendant was saying?

11 A She just kept asking, "Can we go up to D&E? Can we go
12 up to D&E?" She wanted just to go up, and, you know, Chris
13 makes food and then just we were going to go all -- she
14 wanted us all just to go up there and eat and hang out.

15 Q That wasn't an uncommon occurrence for the group to
16 sometimes go to that pizza shop after hours, was it?

17 A Nope.

18 Q Did the group decide to go to the pizza shop?

19 A They decided they weren't going to go.

20 Q Was there a different plan made?

21 A Before Brian Albert left, he said to the group, "Hey,
22 you know, I'm going to go back home and have a beer with
23 Brian, Jr. if anybody wants to come by."

1 Q When you received the invitation to the group to go
2 back to Brian Albert's house, did you decide whether you
3 were going to go home or go back to your sister's house?

4 A Yes, I decided I was going to go to my sister's house.

5 Q Without saying what was said, was there any discussion
6 in the group among the participants about going back to
7 your sister or Brian Albert's house?

8 A Everybody seemed to want to go back.

9 MR. JACKSON: Objection.

10 THE COURT: I'll sustain that.

11 Q Did anybody object to going back?

12 A No.

13 Q Had you been to your sister's house before?

14 A Yes.

15 Q Many times?

16 A Yes.

17 Q Do you know the address of where your sister lives?

18 A Yes.

19 Q And so after that conversation, did you stay at the
20 Waterfall for a little bit or did you leave immediately?

21 A Probably left maybe after maybe five, ten minutes.

22 Q Without saying what was said, did you have a chance to
23 speak to John O'Keefe?

24 A I did, yes.

25 Q And you spoke to him inside the Waterfall?

1 A Yes.

2 Q Did you have a chance to speak to the defendant?

3 A Yes.

4 Q And was your plan to go back to your sister's house?

5 A Yes.

6 Q Before you left, did you have any understanding whether
7 or not Mr. O'Keefe and the defendant were going to join
8 you?

9 MR. JACKSON: Objection.

10 THE COURT: I'll allow it. Did you have an
11 understanding regarding that?

12 A Yes.

13 Q And what was your understanding?

14 A They were --

15 MR. JACKSON: Objection.

16 THE COURT: I'm going to allow it.

17 A They were coming.

18 Q Who else was going to go back to your nephew and your
19 sister's house?

20 A Brian Higgins and my niece Caitlin.

21 Q A little after 12:00, did you leave the Waterfall?

22 A Yes.

23 Q Do you remember that night leaving?

24 A Yes.

25 Q Before you left, did you talk to anybody in particular?

1 A Yes, Ms. Read and then Mr. O'Keefe.

2 Q Did you speak to them inside the Waterfall?

3 A I walked out with Ms. Read, and we spoke at the doorway
4 and then John joined us.

5 Q Did you invite Ms. Read to come with you?

6 A I did, yes.

7 Q Did she decline?

8 A Yes.

9 Q And who did you go to your sister's house with, who
10 drove?

11 A I drove, and I went with my husband Matt.

12 Q Anybody else?

13 A No.

14 Q Do you remember what time it was that you were speaking
15 to Ms. Read about going to your sister's house?

16 A After midnight.

17 MR. BRENNAN: If I could have Exhibit 22 again. Ms.
18 Gilman, if you could take us to 12:10:36.

19 (Video played.)

20 MR. BRENNAN: If you could stop it there, please.

21 Q Did you have a chance to talk to Mr. O'Keefe and the
22 defendant outside of the Waterfall?

23 A Yes.

24 Q And do you know specifically what time you left the
25 Waterfall?

1 A It was after midnight.

2 Q When you left the Waterfall with your husband, you said
3 you were driving. Did you stop anywhere along the way
4 before you got to your sister's house?

5 A No.

6 Q Tell us what you see when you get to your sister's
7 house. What are the weather conditions like as you're
8 driving there?

9 A It's to snow to the point where it's starting to, like,
10 accumulate, it was on your car, it's just, you know,
11 getting on the street.

12 Q Is it light; is it heavy?

13 A It's light at this point.

14 Q How long does it take to get from the Waterfall to your
15 sister's house?

16 A Five to eight minutes depending on lights and weather,
17 et cetera.

18 Q When you first get to your sister's house, while you're
19 still in the car, describe what you see?

20 A My wipers are on. I'm just looking out the window and
21 it's snowing. It's dark.

22 Q Anybody in the driveway, any cars in the driveway that
23 you see?

24 A Oh, when I pull up to my sister's?

25 Q Yes.

1 A As I pulled down the street, I take a left into the
2 driveway, and there is a Jeep that's parked on the street,
3 and there's maybe a couple of cars in my sister's driveway.

4 Q What do you do when you arrived at your sister's house?

5 A I go in the house.

6 Q Now, there are a couple of doors at your sister's
7 house?

8 A Yes.

9 Q Is there a front door?

10 A Yes.

11 Q Is there a side door?

12 A Yes.

13 Q Which one is closest to the driveway?

14 A The side door.

15 Q Which door do you go in when you get to your sister's
16 house?

17 A The front door.

18 Q Was anybody with you when you went in?

19 A My husband Matt.

20 Q You walked in together?

21 A Yes.

22 Q Tell us the first person you remember meeting?

23 A When I went in the house?

24 Q Yes.

1 A Probably my niece was at the table, and then I saw my
2 nephew Brian.

3 Q Was there anybody else that you saw at the table?

4 A Julie Nagel and Sarah Levinson.

5 Q When you walk in the front door of the house, what
6 table is this? Is this a living room table, a kitchen
7 table?

8 A Oh, you walk in, and then you go to the right, and it's
9 into the kitchen, and there's a table there.

10 Q Is the kitchen separate from the living room or is it
11 open?

12 A It's open, but they're separate.

13 Q Can you see the kitchen table when you walk in the door
14 if you turn and look right?

15 A Yes.

16 Q And when you go into the kitchen, you said there was a
17 woman by the name of Julie Nagel?

18 A Yes.

19 Q And then another woman Sarah?

20 A Yes.

21 Q You know her last name?

22 A Levinson.

23 Q Julie Nagel, did you know her when you walked in the
24 house that night?

25 A I had met her a few times.

1 Q Had you spent time with her, were you friends with her?

2 A No, I just had met her a few times and she had watched
3 my dog for me when my nephew couldn't.

4 Q When you would go away, would your nephew be
5 responsible to watch your dog?

6 A Yes.

7 Q Did you understand that Julie Nagel had watched your
8 dog a couple of times?

9 A Yes.

10 Q Had you ever socialized with her before that night?

11 A I may have seen her at a graduation party, but never
12 beyond that.

13 Q Were you friends with her at that point?

14 A No.

15 Q Friendly enough that she watched your dogs?

16 A Yes, through my nephew. He just said, "My friend's
17 going to do it," and I trusted his judgment.

18 Q And there was another woman by the name of Sarah. Did
19 you know her before you saw her that night?

20 A I knew of her. If I were to see her, I'd say hi, but
21 that's the extent of it.

22 Q How did you know of her?

23 A Just from being in the town, going to different
24 sporting activities, and just being around.

1 Q You said your nephew Brian was there as well in the
2 kitchen?

3 A Yes.

4 Q This was his birthday?

5 A Yes.

6 Q How old was he?

7 A I think he was turning 23.

8 Q Was there anybody else in the house when you and your
9 husband first got there?

10 A Yes, my sister and my Brian Albert and Brian Higgins.

11 Q So Mr. Higgins, Brian Albert, and your sister were
12 there before you?

13 A Yes.

14 Q Where was everybody when you first came in?

15 A My niece Caitlin, Sarah Levinson, Julie Nagel, and
16 Brian, Junior were all at the kitchen table. My sister was
17 over, I think cleaning the counters, and Brian and Brian
18 were off in that TV room that you can see from the kitchen
19 because there's a wide opening.

20 Q If you walk in the front door, would I look left or
21 right to see the TV room?

22 A You'd look right to the kitchen, and then through the
23 kitchen is the TV room, but you could look and almost --
24 you know, when you walk in, you can see because it's open.

1 Q Is the TV room in anyway have a relationship with that
2 side door?

3 A Yes, it does.

4 Q And if you were to walk in the side door, would you be
5 walking into the TV room?

6 A Yes.

7 Q When you saw your nephew Brian Junior and his friends,
8 are his friends about the same age as him?

9 A Yes.

10 Q Were they drinking?

11 A Yes.

12 Q Was there music?

13 A Yes.

14 Q And when you went in, did you spend time with the
15 group?

16 A Yes, I sat down and started talking to them.

17 Q And when you were speaking to them, did you have any
18 drinks that night?

19 A I believe they gave me -- they brought me over a White
20 Claw, but I didn't have more than a sip of it. I really
21 wasn't -- I was at that point where I just didn't want
22 another drink.

23 Q As you were in the kitchen, were you expecting anybody
24 else?

1 A We had mentioned it to Karen and John, and I had
2 actually just spoken to John, so I was expecting them.

3 Q So when you saw John O'Keefe in the Waterfall, that
4 wasn't the last time you had spoken to him?

5 A No.

6 Q You had spoken to him, was it on the ride to your
7 niece's -- I mean your sister's?

8 A Yes.

9 Q Do you call him or did he call you?

10 A He texted me, and I believe asked something like where
11 to, and since I was driving, I called him.

12 Q When you called him, what did you tell him? What did
13 you guys say?

14 A I just said they lived 34 Fairview Road off of Chapman.

15 Q Do you know if John O'Keefe had ever been to the Albert
16 home before?

17 A I don't believe he had.

18 Q In that conversation, how long did that conversation
19 take?

20 A It was quick.

21 Q Was there any other conversation that you had with him
22 other than that one conversation?

23 A Yes. He called me back, and he was trying to find it.

24 Q Trying to find the address?

25 A Trying to find the house on Fairview.

1 Q Did he ask you for help trying to find the address?

2 A I'm not sure his exact words, but, yes, he needed help,
3 and so I just said -- I told him just go down the street,
4 go by (C)'s house. It's at the bottom of the street.

5 Q So you used (C)'s house as a point of designation to
6 try to guide him to get him to your sister's house?

7 A Yes.

8 Q Tell us who (C) was to John?

9 A (C) is my daughter and John's niece friend. So
10 they're all -- so (C) is friends with my daughter, John's
11 niece.

12 Q And was there any relationship between (C)'s mother
13 and John that you knew of?

14 MR. JACKSON: Objection.

15 THE COURT: I'll allow it.

16 MR. JACKSON: May we approach?

17 THE COURT: Okay.

18 (Sidebar commences:

19 MR. JACKSON: Your Honor, this is being offered for the
20 truth of the matter asserted. It's hearsay. The only way
21 she would have any personal knowledge is John O'Keefe and
22 somebody else.

23 THE COURT: What do you say?

24 MR. BRENNAN: It's motive evidence. It shows what
25 precipitated the argument that was reported by the first

1 responder. I have other evidence supporting the fact that
2 the defendant in fact hear the conversation. I have a
3 number of clips from different media interviews where the
4 defendant acknowledges that that's what the conversation
5 was about. I plan to play those clips after Jen McCabe's
6 testimony.

7 MR. JACKSON: I have no issue with my client's own
8 statements. It's admissible. This is not the witness to
9 get in front of. She would have absolutely no knowledge of
10 the relationship between (C) and John, if it weren't for
11 hearsay.

12 THE COURT: Do we know that? Do we know that she has
13 no --

14 MR. JACKSON: I have no evidence that she --

15 THE COURT: -- understanding of the relationship?

16 MR. JACKSON: I have no evidence otherwise. Otherwise,
17 she would testify to, I'm assuming, she would have
18 testified last time that they spent time with John and
19 (C)'s mother.

20 THE COURT: So I don't not know that, that's why I'm
21 asking.

22 MR. BRENNAN: That statement clips where the defendant
23 acknowledges that that phone call was about (C) and
24 (C)'s mother, so she herself -- she herself confirms the
25 fact that she knows about that conversation prior to. And

1 so this isn't offered for the truth. It's to give context
2 to the statement.

3 THE COURT: Do you want an instruction if I let it in?

4 MR. JACKSON: I don't want you to let it in. It's
5 hearsay, Your Honor.

6 THE COURT: I understand that. I don't know. Let's
7 see if he can build a foundation as to how she knows that.

8 MR. BRENNAN: I can play the clips now, but I would
9 preface to the Court, the goal was to play them after the
10 witness testimony.

11 MR. JACKSON: And the clips are of my client
12 reiterating what her testimony was at the last trial, not
13 specific -- I don't believe. I don't have a memory of it.

14 THE COURT: Yeah, I don't remember what the testimony
15 is you're talking about. What's the clip?

16 MR. JACKSON: I'm not sure, but my memory, and I could
17 be wrong, but my memory is any reference that my client
18 made in any interview was to the testimony that came in
19 about hearing or not hearing a conversation in the cab of
20 the car concerning passing (C)'s house and what Ms.
21 McCabe interpreted that to mean; in other words, that there
22 was a relationship between her and -- between (C)'s
23 mother and John, and it would have made -- the implication
24 is it would have made Karen jealous.

1 Again, if it's admissible, I don't have any problem
2 dealing with it, but this is hearsay and it's not
3 admissible through this witness I believe.

4 THE COURT: So build a foundation for that.

5 MR. BRENNAN: I will. Ms. McCabe will not say she
6 knows whether or not the defendant was listening to the
7 conversation. However, the defendant's
8 statements/admissions make clear that she was, and so that
9 is the foundation. If I wait until after Ms. McCabe
10 testifies, it would have no context. And so this is not
11 hearsay. It's providing context to the defendant's
12 admissions.

13 MR. JACKSON: It is hearsay. It's offered for the
14 truth of the matter asserted that there was a relationship
15 between -- Mr. Brennan just acknowledged I'm using this as
16 motive evidence. The only way it's motive evidence is if
17 it's offered for the truth that John and (c) 's mother had
18 a relationship.

19 His question to Ms. McCabe, if I could just flush out
20 the record, is tell me about the relationship between John
21 and (c) 's mother. I don't believe she has any
22 information about that relationship unless it's built on
23 hearsay, unless she was in the room, at the wedding, in the
24 bedroom with them together, things of that nature, and I

1 don't believe she has that kind of personal knowledge. I
2 think it's just --

3 THE COURT: All right. So that's what I'm saying: I
4 don't know. So you can build a foundation that we now or
5 she'll still be on the stand tomorrow. You can see it and
6 then get back to it.

7 MR. BRENNAN: Well, substantive statements of the
8 defendant can be admitted any time.

9 THE COURT: Right.

10 MR. BRENNAN: I know the preference is to do it after a
11 witness, but if we're going to have an evidentiary issue at
12 this point, I can play her statements right now. I could
13 ask Ms. McCabe what she knew the relationship between
14 (C)'s mom and John was, and then I can play the
15 defendant's statements.

16 MR. JACKSON: That's the point, Your Honor, is the --
17 it's the predicate question that I've got a problem with.
18 What do you believe the relationship was between (C)'s
19 mom and John?

20 THE COURT: I understand and I'm just saying, I don't
21 know if she has an independent basis.

22 MR. JACKSON: Okay. We can --

23 THE COURT: So that's why I'm saying you can wait until
24 later in your testimony. We can do this outside the

1 presence of the jury, and see if she has an understanding
2 of the relationship.

3 MR. JACKSON: And I'm happy to take an offer of proof
4 as well. If he wants to, you know, finish up another area
5 and at the end of the day, give me an offer proof. I don't
6 know what she's going to say.

7 THE COURT: That's why I don't want to do it in front
8 of the jury.

9 MR. JACKSON: Right.

10 THE COURT: So move along. We'll come back to it.

11 MR. BRENNAN: We can come back.

12 end of sidebar.)

13 MR. BRENNAN: May I?

14 THE COURT: Yes.

15 Q That second phone good conversation you had with John,
16 you know about what time that was?

17 A I don't. It would be after 12:15, but before 12:30,
18 approximately, between there.

19 Q Were you still driving when you had that conversation?

20 A Yes.

21 Q And at some point, you told us you arrived at your
22 sister's home and went in?

23 A Yes.

24 Q I'd like to move forward now to when you were inside
25 the house.

1 Tell us generally, when you first got there and saw
2 everybody, what were you doing?

3 A I just sat down at the table. I started talking to
4 them. We listening to music. A typical night.

5 Q Anything standout as far as music or interaction with
6 the group?

7 A No, we were just laughing, telling stories. You know,
8 at one point, I'm not sure if -- at some point, my other
9 nephew had been over my house and had shown me this phone
10 on his phone, and I was -- it was a family inside joke.
11 The video, it was a music video from a long time ago, and
12 so I was telling my other niece and nephew, "Oh, my gosh.
13 You have to see this video. It's hysterical," and then we
14 started playing it and watching it.

15 Q What was the video?

16 A "It's Raining Men."

17 Q Did that got a lot of playtime during that get-
18 together?

19 A Well, I have one sister who sometimes has a little too
20 much to drink, takes out an umbrella and will dance. So
21 it's a family joke.

22 Q While you were at your sister's house, what area of the
23 house were you spending time in?

24 A I was in the kitchen.

1 Q What was the mood of everybody in the house as far as
2 you remember?

3 A Everybody was in a great mood.

4 Q Was there any fighting?

5 A No.

6 Q Any arguing?

7 A No.

8 Q Any violence?

9 A No.

10 Q Was it a celebratory mood?

11 A Yes.

12 Q As you were in the house, were you waiting for anybody
13 else that you expect to come?

14 A Yes, I was expecting John and Karen to come.

15 Q At some point when you in the kitchen -- let me ask you
16 a little background. As you were in the kitchen of that
17 house, can you see outside from the kitchen area?

18 A They had blinds or something down, but if the blinds
19 were up, you could see out.

20 Q Were the blinds up?

21 A No.

22 Q At any point, were you able to see outside from inside
23 the house?

24 A From the front door, yes.

25 Q Is the front door, is it glass?

1 A Yes.

2 Q At some point when you were with everybody in the
3 celebration, did you have a chance to look outside?

4 A Yes.

5 Q And when you looked outside, what did you see?

6 A I saw a dark SUV out front.

7 Q Did you know who's SUV that was?

8 A I believed it was Karen's.

9 Q Could you see who was in it?

10 A No.

11 Q At that point of night, what does the weather look like
12 from the front door?

13 A It's dark and it's snowing, and I could see, you know,
14 brake lights.

15 Q Did you see if that SUV moved at all?

16 A I didn't see the SUV actually move, but I saw it in a
17 few different locations.

18 Q How many times did you look out?

19 A I can't give you an exact number of how many times I
20 looked out. I can tell you I saw the vehicle first
21 straight out from the front door, then I saw it up at the
22 flagpole, and then I saw it further up from the flagpole.

23 Q Were you studying the car at all?

24 A No, it was quick glances.

25 Q Did you have any reason to study it?

1 A No.

2 Q What were you expecting was going to happen?

3 A I was expecting John and Karen to come into the house.

4 Q Did they ever make it in the house?

5 A No, they did not.

6 Q As you were waiting, were you doing anything else in
7 addition to waiting for them to come in?

8 A Yes. So I was sitting at the table. Someone made
9 mention of a car out front, so I got up, went to the door,
10 looked out, and then I would go back and go back to the
11 table, and where we were just all laughing, talking,
12 playing music, you know, just hanging out not really
13 thinking much about anything.

14 Q Did you ever reach out to John when you thought the car
15 out front was the defendant's car with John in it, did you
16 ever reach out to him?

17 A Yes, I did.

18 Q How did you reach out to him?

19 A I texted him.

20 Q Do you know if there was a phone call that was made to
21 you before 12:30, seven second phone call?

22 A From John?

23 Q Yes.

24 A I don't.

1 Q You mentioned you had spoken to him about directions.

2 Is that the last time you heard his voice?

3 A Yes.

4 Q When the car was out front, did you exchange text
5 messages or were you simply texting him?

6 A I was texting him.

7 Q Do you remember what you were texting him?

8 A The first time I said, "Here."

9 Q What do you mean by here?

10 A Like, here, question mark, because that's when I saw
11 the car.

12 Q You were wondering whether that was him?

13 A Yes.

14 Q Did you send any other text messages that you can
15 remember?

16 A After I saw the car move locations, when I saw it go up
17 to the flagpole, I said pull behind me.

18 Q And do you remember any other communications you had
19 with him? Was he texting you anything?

20 A No.

21 Q Did he ever text you again that night?

22 A He never texted me again.

23 Q Never called again?

24 A No.

1 Q Did you continue to text him over the next 15, 20
2 minutes?

3 A I did, yes.

4 Q And so at some point, did you realize that John O'Keefe
5 and the defendant weren't coming anymore?

6 A Yes, when the car was gone.

7 Q Did you ever go about side through the storm down to
8 the flagpole to speak to them?

9 A No.

10 Q Why not?

11 A Why would I?

12 Q I'm just asking.

13 A I had no reason to.

14 Q So when you were in the house at some point, did you
15 notice that that car was gone?

16 A Yes.

17 Q Were you marking the time or keeping track of it?

18 A No.

19 Q After you didn't see the defendant's car anymore, did
20 you stay?

21 A Yes.

22 Q How long do you think you stayed for at the house?

23 A I stayed until around 1:30, 1:45-ish.

24 Q Did anybody else come in the house up until 1:45?

25 A No.

1 Q Did people leave at certain times?

2 A Yes, people did leave.

3 Q Who was the first to leave?

4 A Brian Higgins.

5 Q Do you remember about what time he left?

6 A I don't.

7 Q And after Mr. Higgins left, do you know who left?

8 A I'm not sure -- I believe it was us, and then my niece
9 Caitlin was also, like, at the door. It was kind of in a
10 row. Brian left and then a little bit later, I think it
11 was, myself, Matt, Julie, and Sarah left, but Caitlin was
12 at the door. I believe she was waiting for her ride.

13 Q How much long after Mr. Higgins left did you leave?

14 A Maybe a half -- I honestly can't say. I think he was
15 there for a while I was there. So maybe he left anywhere
16 from 15 -- approximately 15, 20 minutes before I did or
17 maybe a little more.

18 Q You had mentioned that you left the Waterfall after
19 midnight?

20 A Yes.

21 Q And you had phone calls with Mr. O'Keefe along the way?

22 A Yes.

23 Q Do you know that there are phone records with your text
24 messages and phone calls in them?

25 A Yes.

1 Q And do you know whether your phone records reflect the
2 time of your phone calls with Mr. O'Keefe?

3 A Yes.

4 Q And your text messages?

5 A Yes.

6 Q When you were texting Mr. O'Keefe, when the Lexus or
7 the car was in front of the house, was Mr. Higgins still
8 there?

9 A Yes.

10 Q What are some the things that everybody did along that
11 night before you left? What happened in there?

12 A What happened inside the house?

13 Nothing. We basically just sat around the table,
14 talked, laughed, listen to music, chitchatted.

15 Q Celebratory?

16 A Yes.

17 Q Was there ever, ever any fighting?

18 A No, none at all.

19 Q Any arguing?

20 A None at all.

21 Q Any physical interaction?

22 A No, none.

23 Q When you decided to leave that night, you say around
24 1:45-ish?

25 A Yes.

1 Q When you left around 1:45, was there any events that
2 happened that night that would cause you unrest or
3 excitement or your heartbeat to raise?

4 A No.

5 Q When you decided to leave, you and your husband, where
6 were going to go?

7 A We were dropping off Julie Nagel and Sarah Levinson and
8 then we were going home.

9 Q Had you planned on dropping them off earlier in the
10 night?

11 A No. When we got there, Julie's brother had pulled up
12 to pick them up and she --

13 Q I don't want to ask what was said because you weren't
14 there. A Okay.

15 Q At some point, did you come to an understanding that
16 you would give them a ride home?

17 A Yes.

18 Q Did you offer?

19 A Yes.

20 Q Who was going to drive home between you and your
21 husband?

22 A Matt drove home.

23 Q When you left, I want you describe as you step out into
24 the driveway or the walkway, was it the front door or side
25 door if you remember?

1 A I walked out the front door.

2 Q Is the weather like it was when you first got there?

3 A No, it's picked up.

4 Q Tell us what you mean by it's picked up?

5 A So as I walk out, you kind of go -- the walkway is to
6 the left. So I walked down the steps, I go to the left.

7 The snow was coming. It was cold. The wind was picking
8 up. So I kind of just, like, curled up and ran into my car
9 quick to get in.

10 Q What part of the car did you get in?

11 A Front passenger.

12 Q Who was driving?

13 A Matt.

14 Q And where were the other two people?

15 A Sarah and Julie were in the back seat.

16 Q Who was in what spot?

17 A I'm not exactly sure.

18 Q So both of the young women were in the backseat?

19 A Yes.

20 Q Was there any conversation when you got into the car?

21 A We got in the car, and they were teasing me.

22 Q Why were they teasing you?

23 A Because I had, like, bread and maybe peanut butter in
24 my car.

25 Q What did you have bread and peanut butter in your car?

1 A I had had my niece for the week, and I was taking -- I
2 was driver her, like, to all my kids' sporting events. So
3 we'd go from, like, one game to another game to a practice.
4 So sometimes instead of always giving her McDonald's or
5 Dunkin' Donuts, I'd try to throw her a peanut butter
6 sandwich.

7 Q And they were making fun of you?

8 A Yeah.

9 Q As the car backs out of the driveway, tell us what
10 you're doing?

11 A I'm talking to the girls (demonstrating).

12 Q You just moved your head.

13 A Yes.

14 Q Does that mean anything?

15 A Yes. So I kind of -- they were both sitting behind me,
16 so I was, like, turning, and, you know, chatting and
17 talking.

18 Q After your husband pulls out the driveway, did you
19 start to drive home?

20 A Yes.

21 Q If the house is on my right as you're driving, are you
22 in the passenger seat closest to the house or furthest
23 away?

24 A Passenger seat closest.

1 Q So you're driving. If you look at a picture of the
2 house, you would be driving from right to left?

3 A Yes.

4 Q So as you start to drive or your husband starts to
5 drive the car, what direction are you looking in, if you
6 remember?

7 A The backseat.

8 Q Did you drive by the front of the house, do you know?

9 A We pulled out of the driveway and went up Chapman.

10 Q And did your husband and you pass by the front of the
11 house?

12 A Yes.

13 Q Did you pass by the flagpole?

14 A Yes.

15 Q Were you looking at the flagpole?

16 A No.

17 Q And how dark was it at that point?

18 A It was dark.

19 Q Snow?

20 A Yes.

21 Q As you're passing the flagpole, do you hear or see
22 anything remarkable?

23 A No, I'm not really paying attention. I'm just chatting
24 to the girls, and Matt's just focusing on driving.

1 Q When you're talking to the girls and they're making fun
2 of you, what's the mood in the car?

3 A We're all laughing and joking.

4 Q Where do you go next?

5 A We drive Julie Nagel.

6 Q After you drop off Ms. Nagel, where do you go?

7 A We drop off the Sarah Levinson.

8 Q Is the weather constant?

9 A Yes.

10 Q After you drop off the young woman in separate spots,
11 where do you go?

12 A We went home.

13 Q Can you tell us when you get home, what happens next?

14 A We go in the house. I go up to bed. Matt makes himself
15 a snack, and then joins me upstairs.

16 Q Do you have a telephone?

17 A Yes.

18 Q An iPhone?

19 A Yes.

20 Q When you go to bed, do you stay up at all?

21 A Yes.

22 Q Do you use your iPhone?

23 A Yes, I do.

24 Q What were you doing?

1 A I texted a few people, and then I did a couple of
2 Google searches.

3 Q What were the searches for?

4 A One, my daughter had played in a basketball game
5 earlier in the night, and it was a very good game, so I
6 went and I read the report on it. And then my other
7 daughter had an offer to play on a basketball team. So we
8 had to make a decision about whether or not we were going
9 to accept the spot, so I was just looking up that
10 basketball club.

11 Q Other than those regular searches that one would do,
12 was there anything remarkable about what you were searching
13 at 2:27 in that time frame?

14 A No.

15 Q After you were looking at websites for your child's
16 sports, what did you do?

17 A I put my phone down and went to sleep.

18 Q And up to that point, had there been any discord or
19 fighting or arguments in your world?

20 A No.

21 Q Peaceful night?

22 A Yes.

23 Q Did you go to sleep, Ms. McCabe?

24 A Yes.

25 Q Did you sleep through the night?

1 A I typically get up to go to the bathroom, so I could
2 have gotten up possibly to go to the bathroom.

3 Q Did anything remarkable happen in the early morning
4 hours of January 29, 2022, that changed that peaceful mood
5 into something else?

6 A Yes.

7 Q I want you to share with the jury the first thing that
8 happens that changes everything.

9 A At 4:53, my phone rings, and I look at my caller ID. I
10 look at the phone and it's (c), John's niece.

11 Q Who is (c)?

12 A John's niece. And I say, hello, and she said, yeah --
13 well, basically she related to me that --

14 MR. JACKSON: Objection.

15 THE COURT: Next question.

16 Q When you pick up the phone, could you hear a voice on
17 the other end?

18 A I heard a voice and a lot of screaming.

19 Q And the voice you heard, was that (c) John's niece?

20 A Yes.

21 Q And the screaming, was it a man or a woman screaming?

22 A It was a woman.

23 Q How loud was that person screaming?

24 A Very loud.

1 Q Could you make out anything that person was saying as
2 they were screaming?

3 A My name was screamed a lot, and then the other
4 individual ended up getting on the phone with me.

5 Q And who was that person that was screaming in the
6 background?

7 A Ms. Read.

8 Q How long was she screaming for while you were speaking
9 to your niece before you spoke to her?

10 A The entire time I was speaking to (c), she was
11 screaming.

12 Q Describe her demeanor?

13 A Ms. Read's?

14 Q Yes. "Jen, Jen," and then she's weeping that John
15 didn't come home. She left him at the Waterfall. She was
16 hysterical. It was very hard to follow what she was
17 saying.

18 Q How long did that first call last for?

19 A I'm not sure how long. Possibly a few minutes, but it
20 was loud enough and long enough that my husband shot up in
21 bed thinking one of my kids had come in the room screaming.

22 Q Without saying what your niece said, can you describe
23 your niece's demeanor when you first spoke to her -- I mean
24 John's niece's demeanor?

25 A I would say (c) sound concerned, uneasy.

1 Q During that phone call, other than the screaming and
2 the screaming of your name, did the defendant give you any
3 information other than she had dropped John off at the
4 Waterfall? A They had gotten into a fight. She had left
5 him there, and he didn't come home.

6 Q When you woke up, were you in a sleep when you were
7 woken up?

8 A Yes, I was sound asleep.

9 Q What was your mental state like when you first woke up
10 and got that call?

11 A Well, I had been up late. (C) [REDACTED]
12 [REDACTED], so I was definitely a big groggy
13 when I first woke up. So immediately, I just wanted to help
14 her. She was hysterical. (C) [REDACTED] was upset. So I went
15 into that kind of mom mode of what can I do, how can I
16 help. So I immediately was, like, thinking, okay, well if
17 you left him at the Waterfall, let me think how -- who was
18 still there, or, you know, how can I help you, how can we
19 find John.

20 Q Do you have a plan when you ended that first call?

21 A I did. I knew Chris Albert had still been at the
22 Waterfall when I left, so I thought if Karen and John had
23 gotten into a fight, maybe Chris had walked out of the bar
24 and they had -- Chris lived local to the bar, thought maybe
25 he -- they walked back to Chris's together.

1 Q So what did you do?

2 A So I called Chris Albert's wife Julie.

3 Q Did you speak to her?

4 A No, she never answered.

5 Q After you had a moment to make a phone call and think
6 about things, did your head become any more clearer?

7 A It did, and I was, you know, reminded by my husband
8 that we had seen Karen and John's car outside of Fairview.

9 Q When he reminded you, did you independently remember
10 the text messages that you sent to John earlier that
11 evening?

12 A Immediately. I was like, oh my God, you're right.

13 Q Did you remember that you had seen what you believed to
14 be the defendant's car in front out of the house near the
15 flagpole?

16 MR. JACKSON: Objection, Your Honor.

17 THE COURT: Watch the form.

18 Q What did you remember? What came to mind after you
19 spoke to your husband about your memory from earlier that
20 evening?

21 A The minute he said it, I remember seeing the SUV and
22 then all the text -- the text messages that I had had and
23 the phone conversation with John.

24 Q So after the defendant spoke to you and said she had
25 left the defendant at the Waterfall, and you had time to

1 think about your memory, did you react or do anything with
2 that?

3 A Yes, I believe I called (c) back.

4 Q Why did you call (c)?

5 A I didn't have Ms. Read's phone number.

6 Q When you called (c) back, did you speak to anybody?

7 A Yes, I believe (c) and then Ms. Read.

8 Q When you first spoke to (c), could you hear anything
9 other than (c)?

10 A The screaming.

11 Q Was it any different or was it similar to the first
12 time you spoke by phone?

13 A Similar to the first time.

14 Q Regarding the demeanor and intensity, had it change at
15 all?

16 A Not at all.

17 Q You mentioned the first time that you had that phone
18 call the defendant was screaming your name?

19 A Yes.

20 Q "Jen, Jen," was she saying your name in the second call
21 or was it just general screaming?

22 A My name and then when she got on the phone, I had told
23 her, "Karen, I saw you guys outside of my sister's house,"
24 and then she told me she didn't remember being there, and
25 then she went on to -- she started saying, "Could I have

1 hit him? Did I hit him?" And then she just was just all
2 over the place. Like screaming my name, screaming so many
3 different things, she was hard to follow or understand.

4 Q When she was saying to you, "Did I hit him? Could I
5 have hit him," was that before or after you informed her
6 that you had seen her out front of your sister's house?

7 A It was after I told her that. She also informed me
8 that she had cracked her taillight.

9 Q In that conversation she told you that?

10 A In one of the conversations I had with her in my
11 bedroom, yes.

12 Q When you told her that you had seen her out front, and
13 she had said that she didn't remember that night, was that
14 before or after she was saying, "Did I hit him? Could I
15 have hit him?"

16 A Can you repeat the question? Sorry.

17 Q When she was telling you about that she didn't remember
18 that night, is that before or after you had told her about
19 seeing her car?

20 A When I said I saw you -- her at Fairview, then her
21 response was she didn't even remember going there.

22 Q Did she ever deny that she came to Mr. O'Keefe's house
23 -- I mean, to your sister's house?

24 A No.

1 Q When she told you or said to you, "Did I hit him," or,
2 "Could have I hit him," or something like that, did you
3 have any idea what she was talking about?

4 A No, I didn't pay attention to it.

5 Q When she told you that she had cracked her taillight
6 the night before, did that have any significance at that
7 time to you? A No.

8 Q So in telling you these different things, did you ever
9 piece them together at that time?

10 A No.

11 Q What was your primary motivation at that point?

12 A I just wanted to help her because she was hysterical.
13 (C) was very upset, so I wanted to help her, and I
14 wanted to find John.

15 Q So after she told you these things about whether she
16 could have hit her and the light and not remembering, did
17 the conversation end or did it progress?

18 A At some point, we -- I was then going into, like, okay,
19 well if she brought him there and left him there, where was
20 he because he never came in the house, and she doesn't know
21 where he is, so now where could he be? So I started
22 thinking there was another gentleman that was supposed to
23 meet us out at the bar who John was friends with. So I
24 thought, okay, well, in my head I'm thinking maybe they got

1 into a fight. John got out of the car, and he connected
2 with this guy because he was at a party on the street over.

3 Q What was the person's name?

4 A His name is Tom Beatty.

5 Q Did you call him?

6 A Yes.

7 Q Did you get a chance to speak to him that night?

8 A That morning?

9 Q Yes.

10 A No.

11 Q Did you call around anywhere else?

12 A I believe I called my sister. I called John. I called
13 Tom Beatty. I called his daughter.

14 Q You called John O'Keefe's phone?

15 A Yes.

16 Q Did he answer?

17 A No.

18 Q Did it go right to voicemail?

19 A I don't remember.

20 Q Did you text anybody?

21 A I honestly don't remember if I texted. I primarily
22 think I was just trying to call as many people as I could
23 and try to figure out what happened.

24 Q So you had two conversations at this point with the
25 defendant while you were still home?

1 A Yes.

2 Q Was there any further -- was there any further phone
3 calls that you had before you did something?

4 A I'm not sure if she -- I know I went downstairs to make
5 coffee because my plan was to go with my husband. I said,
6 "Come on. Let's just go off to Tom Beatty's. Let's see.
7 Maybe John's there. He passed out on the couch." I'm not
8 sure if Karen called me again or not. It's a little foggy
9 because there was so many calls and everything.

10 Q And so that morning when you were receiving calls, did
11 something happen?

12 A Karen showed up at my house.

13 Q How did you know Karen showed up at your house?

14 A I could hear her screaming out front.

15 Q And about what time was this?

16 A Approximately 5:20, 5:30. I can't be sure.

17 Q Were you worried for John at this point?

18 A Not particularly, no.

19 Q Were you screaming?

20 A No.

21 Q Now, at this point, this moment when you could hear her
22 outside your house yelling in the early morning hours, did
23 you know a person by the name of Kerri Roberts?

24 A I knew of her. I met her once.

25 Q Were you friends with her at that time?

1 A No.

2 Q Had you socialized with her at that time?

3 A No.

4 Q Had you ever seen her before with John?

5 A Once.

6 Q Tell me about that.

7 A Years earlier, as I said, earlier I used to take (C) [REDACTED]
8 on Friday nights, and Kerri was the one who would take
9 (C) [REDACTED] on Friday nights. So we would each have the kids,
10 and to thank us, one day John told us how he had -- he got
11 a discount at Reebok, and to get our kids shoe sizes and he
12 was going to buy us all speakers just as a way to say thank
13 you for helping. So we all went to the store together and
14 then John took Kerri and myself to the Hillside for lunch.

15 Q How many years before this moment was that?

16 A Oh, gosh. Well, I think that's when my daughter was in
17 kindergarten or first grade, and at this point she was in
18 eighth grade, so like seven years.

19 Q Had you ever spent any time with Kerri Robert before
20 this morning?

21 A No.

22 Q Were you friends at that point?

23 A No.

1 Q How would you consider your relationship with Ms.
2 Roberts on that morning before Ms. Read arrived to your
3 home?

4 A I met her once and that was the extent of it. I didn't
5 -- I wouldn't say I knew her at all beyond that one time I
6 went out with her.

7 Q I want you to take us back out when you first hear the
8 defendant in your driveway yelling. When you hear that,
9 did hear have any words or is it generally yelling?

10 A So I hear yelling. So I go to -- I was downstairs
11 making coffee. I go to my front door and I open it, and
12 she's screaming, "Jen, Jen." She's screaming that three
13 times and then she was saying, "We have to go to Fairview."
14 You know, a lot of the, "Could I have hit him? Did I hit
15 him?" Just she was on repeat.

16 Q What did you do?

17 A My husband came running down the hall, and was, like,
18 tell her to shut up. She's going to wake up the neighbors.
19 And then I said I'm just going to go with her. I'm going
20 to go look for John, and then he yelled down saying
21 something like, you can't be driving around in this
22 weather, you know, with a broken taillight.

23 Q When you saw the defendant at your front door, had the
24 weather changed overnight?

25 A Yes.

1 Q Was it different?

2 A Yes, now the snow had intensified. It was almost like
3 -- it was dark outside, but it was like white out
4 conditions.

5 Q How dark?

6 A Dark. I mean, it was dark. It was like 5:30 in the
7 morning.

8 Q What was the visibility like?

9 A Not good.

10 Q After you meet the defendant at your door, do you let
11 her in or did she stay outside?

12 A I'm not sure if I just grabbed my coffee and ran out.

13 Q Where did you go?

14 A Or whether she came in. So we walked down -- we went
15 down my walkway. She was just kind of running all around
16 the car, the car -- the driver's door was open, so I told
17 her I was going to drive because I thought she was too
18 hysterical to drive.

19 In the meantime, all of a sudden there was a car at the
20 end of my street and there was a plow behind it.

21 Q The car that came to the end of your street, do you
22 know where it went?

23 A I meant the end of my driveway. I'm sorry.

24 Q When you say at the end of your driveway, did it pull
25 into your driveway?

1 A No, it just kind of stopped right at the base of my
2 driveway.

3 Q How far behind your car was that car?

4 A Not far because -- not too far.

5 Q Did you know who was in that car?

6 A No.

7 Q Did you learn who was in that car?

8 A Yes.

9 Q How did you learn who was in the car?

10 A Because I said who is that.

11 Q Did you ask the defendant or did you --

12 A I asked the defendant and she told me it was Kerri
13 Roberts.

14 Q Did you meet Kerri Roberts face-to-face in your
15 driveway that morning?

16 A Yes, I wouldn't say we met. It was more of the plow
17 was coming so then she was having to, like, move down the
18 street, and then either Karen called her or she called
19 Karen, but they were on the phone, Karen's phone, over the
20 car, so they started talking.

21 Q Did you get into the defendant's car?

22 A Yes, we did. I got in the car with Ms. Read.

23 Q When you got in the car, you were the driver's seat,
24 was Ms. Read in the passenger front?

25 A Yes.

1 Q You said it was an open call. Was it something you
2 could hear on the speaker?

3 A Yes.

4 Q At that point did you have a chance to go and look at
5 the taillight of that car?

6 A No.

7 Q Did you have any interest in the taillight at that
8 point?

9 A No.

10 Q There was an open call between who?

11 A Karen and Kerri Roberts.

12 Q Can you describe what you heard in that call?

13 A Karen was saying that you wanted to go to Fairview, and
14 Kerri Roberts was instructing her that, no, we weren't
15 going to be going to Fairview. And she kept saying, "We
16 got to go to your sister's house," and Kerri Roberts said,
17 "No, we're not going to be driving around in this weather
18 in two cars. Let's go back to John's. Let's go to
19 Meadows. Let's see if he's there." That was kind of the
20 conversation, and then Karen was doing a lot of screaming
21 and Kerri was kind of yelling back at her to shut up.

22 Q Who was taking charge of the situation that morning?

23 A Kerri Roberts.

24 Q Were you in charge of it?

25 A No.

1 Q Did you weigh in or make any decisions on where you
2 were going to go next or were you just listening?

3 A I just listened. Kerri said that -- Kerri's kind of a
4 take charge person. She said, "We're going to Meadows," so
5 I said okay. I drove to Meadows.

6 Q At this point, you didn't know Kerri Roberts?

7 A No.

8 Q Other than that meeting?

9 A Yes, correct.

10 Q And did you agree to follow her?

11 A Yes.

12 Q So tell us what happened. Take us through the drive.

13 A She might have followed me. I'm not sure. But we
14 drove back to Meadows, pulled into the driveway.

15 Q So you knew where Meadows was? You had been here many
16 times with the kids?

17 A Yes.

18 Q Do you think Ms. Roberts may have followed you?

19 A Yes.

20 Q What was the weather conditions as you were driving?

21 A They were awful. It was -- I was driving very slow,
22 cautiously. It was dark. It was hard to see. It was --
23 it was that type where the snow was, like, coming at your
24 window.

1 Q How long of a ride was it from your home to John's
2 house?

3 A Approximately five, six minutes.

4 Q Was there any other phone calls while you were in the
5 car with Ms. Roberts or did the phone calls end?

6 A I believe that was it.

7 Q Can you describe that defendant's demeanor on the trip
8 from your house to John's house?

9 A She was just screaming, yelling things. It was almost
10 like everything she said, she said three times, and she
11 just went from one thing to the next. She was quite
12 hysterical.

13 Q Do you remember what she was yelling about?

14 A About going to Fairview, asking could she have hit
15 them, did I hit him.

16 Q How many times did she raise the question did I hit,
17 could I have hit him?

18 A A good amount.

19 Q Did you ever speak to her about that?

20 A No.

21 Q At some point, did you finally get to John's home?

22 A Yes.

23 Q When you got to John's home, who pulled in the driveway
24 first?

25 A I did.

1 Q Where did you pull in with respect to the driveway?

2 A I just pulled straight in next to the garage.

3 Q Did you see where Ms. Roberts went?

4 A I believe she pulled in behind me.

5 Q After you pulled into Meadows, John's home, and you
6 stopped, what happened next?

7 A We go into John's house.

8 Q When you went into John's house, did you all go in the
9 same way?

10 A Yes, we went through the garage.

11 Q Before going into John's home, did you do anything?

12 A Before entering into the house?

13 Q Yes.

14 A I took off my shoes.

15 Q You took off your shoes?

16 A Yes.

17 Q Why did you do that?

18 A Because you always had to take your shoes off at
19 John's. He didn't want you to track -- he would have
20 yelled at me for tracking snow in his house.

21 Q Did you see if Kerri took her shoes off or not?

22 A I believe she did.

23 Q Did you see whether the defendant took her shoes off or
24 not?

25 A She just walked right in.

1 Q How would you remember that?

2 A Because I thought it was strange.

3 Q What was your purpose when you went into the house?

4 What was the number one thing that you were worried about?

5 A We were looking for John.

6 Q Anything else on you mind as you went into his house?

7 A Also I knew (C) was there.

8 Q At this point, do you have a close relationship with

9 (C)?

10 A Yes.

11 Q Do you still?

12 A Yes.

13 Q What did you do when you went in the house? Where did
14 you go?

15 A I walked through the kitchen and then I kind of peeked
16 into the TV room. I walked through the dining room, and
17 then before I went up the stairs, I kind of peeked into a
18 living room. I went up to the top of the stairs. I peeked
19 into John's room and then I went into (C)'s room.

20 Q Did you ever see John?

21 A No.

22 Q Why did you go to (C)'s room?

23 A Because I wanted to go check on (C).

24 Q Did you have a chance to speak to her?

25 A I did, yes.

1 Q What was her demeanor at that point?

2 A She was very -- she was in the bed. She was holding
3 onto her phone. She was terrified.

4 Q Was she screaming?

5 A No.

6 Q Did you provide her any comfort?

7 A Yes. I told her that I was going to go out --

8 MR. JACKSON: Objection.

9 THE COURT: I'll allow it.

10 A I told (C) that I was going to go out with them, and
11 I was going to find John, and I promised her that
12 everything would be okay.

13 Q At some point you left (C)?

14 A Yes.

15 Q Where did you go?

16 A I went back downstairs, and then we went out to look
17 for John.

18 Q Before you left John's house that morning, did the
19 defendant show you anything?

20 A Yes. When we were out in the driveway, I had thought
21 it was when we went in, but I think it might have been when
22 we came out, but regardless at one point, when we were in
23 the driveway at Meadows, Karen showed myself and Kerri
24 Roberts the cracked taillight.

1 Q Did you or Ms. Roberts get close to the taillight at
2 that point?

3 A Yes, we walked over and the taillight was missing
4 pieces.

5 Q Did Ms. Roberts have any comment about it?

6 A Yes, Ms. Roberts --

7 MR. JACKSON: Objection.

8 THE COURT: So she had a comment. Next question.

9 Q What was Ms. Roberts' demeanor at that point?

10 A She was frustrated with Karen. Had said that --

11 MR. JACKSON: Objection.

12 THE COURT: No, I'll allow that.

13 A You know, had said that Karen -- basically was telling
14 her to shut up. You were so drunk you don't -- you could
15 have hit anything last night, and then Kerri -- I remember
16 just thinking, all right, let's go, and I remember Kerri
17 thinking, oh, someone's going to get --

18 MR. JACKSON: Objection.

19 THE COURT: Sustained.

20 Q We don't want to get into what somebody thought.

21 A Okay.

22 Q We want to know what you heard and what you saw. Okay?

23 A Yeah.

1 Q At some point when you looking at the taillight of the
2 missing pieces with the defendant and Ms. Roberts, did you
3 see Ms. Roberts point anything out?

4 A Yes.

5 Q Share that with us.

6 A She pointed a piece that was sticking out and was
7 concerned that someone was going to catch their coat or
8 something on it.

9 Q And during that time when the defendant was showing you
10 the taillight and missing pieces, was she saying anything
11 about it?

12 A No, not that I can recall right now.

13 Q You mentioned at some point she was saying, did I or
14 could I have hit him after you left John's house. Was that
15 in the car or before you got in the car?

16 A I know for a fact it was definitely in the car was one
17 of the times, yes.

18 Q Ms. Roberts' car is parked behind the defendant's car
19 in John's driveway?

20 A Yes.

21 Q Was there a decision made to take one or two cars?

22 A One car.

23 Q What was the plan?

24 A The plan was to get into Kerri's car and to go and look
25 for John. I wanted to go -- thinking let's go to Tom

1 Beatty's but Ms. Read was pretty adamant that we go to
2 Fairview first.

3 Q You said that at times there was some arguing or
4 bickering or Ms. Roberts was raising her voice to the
5 defendant?

6 A Yes.

7 Q Who made the decision to go to Fairview?

8 A Ultimately, Kerri said, all right, we'll go there
9 almost, like, to shut her up.

10 Q When you got in the car, where was everybody -- when
11 you got into Kerri Robert's car, where was everybody
12 sitting?

13 A Kerri was driving, I was in front in the passenger,
14 Karen was back in the middle kind of peeking her head
15 through between us.

16 Q Now, I want you to take us through the ride from John's
17 house at Meadows until you first get to Fairview.

18 As you pull out of or Kerri Roberts pulls out of John's
19 driveway, what is the mood inside of that car?

20 A I'd say it was starting to get tense because Karen was
21 just continuously screaming. Kerri was trying to focus on
22 driving and Karen's behavior in the back of the car was a
23 bit erratic.

24 Q When you say erratic, can you give some detail what you
25 mean by that?

1 A Yes. She would go from sitting back to leaning up in
2 between us, and she would yell Kerri's name three times.
3 Then she would yell my name three times, and then she would
4 yell, could I hit him, did I hit him over and over again.

5 Q When she was repeating these questions or phrases that
6 she was yelling, did you respond in anyway?

7 A I don't believe I did, no.

8 Q How about Kerri?

9 A Kerri was telling her to shut up and to buckle up.

10 Q Was she buckled?

11 A I don't believe so.

12 Q You began your drive from Mr. O'Keefe's home at Meadows
13 to Fairview, is the weather getting better?

14 A No, it's getting worse.

15 Q Is the visibility still difficult?

16 A It was terrible.

17 Q As you began that drive to Fairview, was there anything
18 that you were doing on the way?

19 A Yes, I was just kind of looking out the window intently
20 to see if I saw anything.

21 Q What were you looking for?

22 A I guess John, which I know it sounds crazy, but I
23 didn't know where the hell he was.

24 Q Was it -- did you have any difficulty seeing from the
25 car at the side the road?

1 A Yes.

2 Q Did you see what direction Ms. Roberts was looking when
3 she was driving?

4 A Well, she, you know, it was hard because she needed to
5 focus on driving because the conditions were that bad.

6 Q Did you have a chance to see the defendant on that
7 drive at all?

8 A Yes.

9 Q Was she looking out the windows with you?

10 A No, she was popping back-and-forth, back-and-forth and
11 screaming.

12 Q Was it a constant screaming or did it change at all?

13 A She would scream and then kind of sit back and she'd
14 almost be quiet for a minute, was like, okay, good, and
15 then she'd start again.

16 Q In those quiet times, do you know what, if anything,
17 she was doing?

18 A I didn't know what she was doing that morning, no.

19 Q How long did it take to get to Fairview?

20 A I don't know. I'm going to assume maybe ten minutes.
21 Like, with the weather, maybe ten minutes. I'm not -- give
22 or take, approximately.

23 Q As you're approaching 34 Fairview Road, before you get
24 there, is Fairview going to be on your left side, the
25 driver's side, or on the right side?

1 A As we were pulling up, it's on the driver side.

2 Kerri's going to take a left down Fairview off of Chapman.

3 Q I want you to take us back to that morning about 20 or
4 30 yards before you get to Fairview. You're in the car
5 with Ms. Roberts and the defendant?

6 A Yes.

7 Q What's happening?

8 A Karen's continue -- is screaming, and at that point,
9 she had asked if John could be cheating on her, and if John
10 could be with (c)'s mom.

11 Q Then what happened?

12 A I didn't know what the hell she was talking. I was
13 like, what are you talking about, why would he be with
14 (c)'s mom, and then Kerri said, well, do you think he
15 could have walked to -- there was another woman years
16 before that John had dated who lived on the next street
17 over to her house.

18 Q And as you approached that area before you get to the
19 flagpole, does anything remarkable happen?

20 A No.

21 Q What happens next?

22 A As were driving down the street, I just say to Kerri,
23 because she doesn't know where my sister lives, oh, her
24 house is just at the bottom of the street.

25 Q Visibility still difficult?

1 A Yes, awful

2 Q What happens next?

3 A We continue, you know, driving, and we kind of were
4 driving slowly past, you know, the line of I guess bushes
5 and the flagpole area, and all of a sudden Karen's
6 screaming from the back, there he is, or something.
7 Something to effect of there he is, let me out.

8 Q Do you know what she was talking about?

9 A I had no idea.

10 Q When she was yelling, did you look out the window?

11 A Yeah, we were like -- we had our eyes peeled out the
12 window.

13 Q Did you see anything?

14 A Nothing but snow.

15 Q How long was she yelling about whatever it is she was
16 saying?

17 A Kerri -- I mean, she screamed stop, so Kerri stopped
18 pretty quickly. There he is. There he is. She could have
19 kicked the door, like let me out of here.

20 Q When she was kicking the door, what were you doing?

21 A I was just like what the heck -- what is going on.

22 Q What happens next?

23 A She gets out. Kerri looks to me and said something --
24 said like, she's bat shit crazy.

25 Q Then what happened?

1 A Then Kerri got out. Then I got out of the car, walked
2 around the back of the car, and was walking like over to
3 where I could see the girls were.

4 Q Now at that point you were in Kerri Roberts' car?

5 A Yes.

6 Q You had your headlights on?

7 A Yes.

8 Q Facing up the street of Fairview?

9 A Well, we had come down the hill, so, yes, up the
10 street.

11 Q There was no other lighting in that area?

12 A I do not believe so.

13 Q No fire engines or ambulances at that point?

14 A No.

15 Q No police cars?

16 A No.

17 Q Any streetlights?

18 A It was dark.

19 Q When you got out of the car, did you look towards the
20 area of the flagpole?

21 A Yes.

22 Q Could you see anything at that point?

23 A No.

24 Q How close did you get to the area of the flagpole
25 before you could first actually see something?

1 A Well, I saw the shadowy figures of Kerri and Karen, and
2 it wasn't until I got very close over to them that I saw --
3 I saw Kerri removing the snow from John's face.

4 Q Is that the first moment you realized that that was
5 John O'Keefe of the ground?

6 A Yes, it was.

7 Q When you see Kerri removing the snow from John's face,
8 what do you do?

9 A I was frozen. I was shocked. I couldn't believe that
10 was him just lying there.

11 Q Tell us what you're seeing.

12 A What do I see? I see Kerri just wiping the snow off.
13 Karen had straddled him and had lifted her shirt and his
14 shirt and was laying on him, and Kerri was screaming at her
15 to get off of him. And I was literally just stunned. I
16 mean, there he was.

17 Q What did John look like when you saw him?

18 A I couldn't see much but his face because the rest was
19 snow and Karen was moving over him, but he just -- like
20 just him but just, like, frozen.

21 Q What did you do?

22 A At first I just stood there for a minute because I
23 couldn't believe it was him. And then Kerri Roberts and I
24 made eye contact, and I, like, knew. I was, like, all

1 right. I'm going to call 911. but I think I knew in that
2 moment that John -- that John, you know, was dead.

3 Q Did you call 911?

4 A Yeah, I started to call 911, and Kerri and Karen were
5 just screaming, and so I walked back towards Kerri's car
6 and then Kerri was also yelling at me to go to the back of
7 the car to look for blankets and towels. So as I was
8 calling 911, I was at the back of the car looking for the
9 towels and the blankets to bring over to Kerri. And while
10 I was doing that, I believe 911 answered.

11 Q Did you speak to 911?

12 A I did, yes.

13 Q Did you get the towels and the blankets that Kerri had
14 requested?

15 A I did, yes.

16 Q After your phone call to 911, and you had the towels
17 and the blankets, tells us what happens next.

18 A So after I called 911, I went back over to Kerri,
19 Karen, and John. And at that point, Kerri asked if I would
20 take over compressions. So she got up and I started doing
21 compressions, and Karen was doing mouth-to-mouth.

22 Q When you started doing compressions, were you touching
23 John over his clothes or touching his skin?

24 A I don't remember.

1 Q Did you at that point get a chance to touch John's body
2 and see how it felt temperature-wise?

3 A I just remember when I was doing the compressions, it
4 just -- I don't really know how to explain it. It just
5 felt very funny.

6 Q I'm sorry?

7 A It wasn't just, like, normal. I don't ... I can't
8 think of how to describe the way it felt when I was trying
9 to press down, but it was like resistance.

10 Q How long did you try to give compressions to aid John?

11 A Until the police came.

12 THE COURT: Mr. Brennan, why don't we end here.

13 (Testimony ends at 5:08 p.m.)

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C E R T I F I C A T I O N

I, CHRISTINE D. BLANKENSHIP, NOTARY PUBLIC, DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND ACCURATE TRANSCRIPT FROM THE RECORD OF THE COURT PROCEEDINGS IN THE ABOVE-ENTITLED MATTER.

I, CHRISTINE D. BLANKENSHIP, FURTHER CERTIFY THAT I NEITHER AM COUNSEL FOR, RELATED TO, NOR EMPLOYED BY ANY OF THE PARTIES TO THE ACTION IN WHICH THIS HEARING WAS TAKEN, AND FURTHER THAT I AM NOT FINANCIALLY NOR OTHERWISE INTERESTED IN THE OUTCOME OF THIS ACTION.

Christine D. Blankenship, May 29, 2025

CHRISTINE D. BLANKENSHIP, CVR, NOTARY PUBLIC
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A

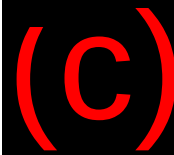
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